

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**FISHER SAND & GRAVEL, CO., d/b/a Southwest
Asphalt Paving, and
FISHER SAND & GRAVEL - NEW MEXICO, INC.,**

Plaintiffs,

v.

No. 10-cv-0635 RB/SMV

**FNF CONSTRUCTION, INC.,
PULICE CONSTRUCTION, INC., GARY GIRÓN,
MAX VALERIO, JED BILLINGS, and
STEPHEN BASILA,**

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR
SCHEDULING CONFERENCE AND COORDINATED DISCOVERY**

THIS MATTER is before the Court on Defendant FNF Construction, Inc.'s ("FNF") Motion for Rule 16 Scheduling Conference and Coordination of Discovery [Doc. 114], filed on September 14, 2012, and the Court's November 14, 2012 hearing on that Motion. The Motion requests that a Rule 16 scheduling conference be scheduled and that the Court enter an order that requires parties to coordinate discovery with two related, pending state-court cases. The Court, being otherwise fully advised in the premises, FINDS that the Motion should be granted in part and denied in part.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that FNF's Motion for Rule 16 Scheduling Conference and Coordination of Discovery [Doc. 114] is **GRANTED in part**, insofar as the Motion requests a Rule 16 scheduling conference. The Court has set a scheduling conference for January 23, 2013. *See* Initial Scheduling Order [Doc. 146].

IT IS FURTHER ORDERED that the Motion [Doc. 114] is **DENIED in part** at this time, insofar as the Motion requests the Court to order parties to coordinate discovery with the related

state-court cases. The issue of coordinating discovery with the state-court cases will be discussed at the Rule 16 scheduling conference.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written above a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge